

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GUILLERMO GARCIA-SOTO,

Defendant.

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Case No. 8:11MJ154

DETENTION ORDER

This matter came on for hearing following the arrest and detention of a material witness 18 U.S.C. § 3144 pursuant to an application and affidavit filed with the Court on July 6, 2011 and the warrant for the arrest of a material witness signed by the Court on July 6, 2011.

Christopher L. Ferretti, Assistant United States Attorney, represented the Government. Brian S. Munnely represented the material witness, Omar Gil-Herrera, who was present. A hearing was held and the attorneys for both the Government and the material witness were heard. I find the Government has established by a preponderance of the evidence that if Omar Gil-Herrera was released, he would not appear as required and that detention of Omar Gil-Herrera is necessary to prevent a failure of justice. The record demonstrates that a detainer has been filed by the Bureau of Immigration and Customs Enforcement and that if detention is not ordered, Omar Gil-Herrera may be deported. I also find that testimony can be adequately secured by deposition and such deposition shall be scheduled as soon as possible.

IT IS ORDERED:

1. Omar Gil-Herrera is a material witness, 18 U.S.C. § 3144, for the trial in Case

No. 8:11MJ154; and

2. Omar Gil-Herrera is remanded to the custody of the U.S. Marshal as a material witness until such time as his deposition can be taken or until further Order of the Court.

Dated this 11th day of July, 2011.

BY THE COURT:

s/ F.A. Gossett, III
United States Magistrate Judge